

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:21-CV-00008-GCM**

JENNIFER POPE BALESKY,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

THIS MATTER comes before the Court on Plaintiff's Consent Motion for Fees Pursuant to the Equal Access to Justice Act (ECF No. 22). Plaintiff seeks \$7,000 in attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). Having reviewed the motion, the supporting materials, and the record as a whole, the Court determines that Plaintiff's motion should be granted.

IT IS THEREFORE ORDERED that the Consent Motion for Fees (ECF No. 22) is **GRANTED**. Plaintiff shall be entitled to attorney's fees in the amount of \$7,000.00. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010), the fee award will be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED.

Signed: March 2, 2022

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

